

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

ANGEL FLORES, ET AL	)	NO. 4:18-CV-1263
	)	
	)	
VS.	)	Houston, Texas
	)	11:00 a.m.
	)	
JBM JANITORIAL MAINTENANCE, INC., ET AL	)	October 16, 2019
	)	

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BEFORE THE HONORABLE KEITH P. ELLISON

UNITED STATES DISTRICT JUDGE

VOLUME 1 OF 1

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## APPEARANCES.

## 16 | FOR THE PLAINTIFFS:

17           Mr. Curt Christopher Hesse  
18           Moore & Associates  
19           440 Louisiana Street  
20           Suite 675  
              Houston, Texas 77002  
              Tel: 713-222-6739  
              Email: Curt@mooreandassociates.net  
              (Telephonic appearance)

FOR THE DEFENDANT RAFAEL V. MARTINEZ (PRO SE);

23           Mr. Rafael V. Martinez  
24           7002 Hillsboro Street  
              Houston, Texas 77020  
              Tel: 832-262-5050  
              Email: Krc.rafael@gmail.com

1 ALSO PRESENT:

2 Ms. Mary Ann Guillen

3 COURT REPORTER:

4 Ms. Kathleen K. Miller, CSR, RMR, CRR  
5 515 Rusk, Room 8004  
6 Houston, Texas 77002  
7 Tel: 713-250-5087

8 Proceedings recorded by mechanical stenography.  
9 Transcript produced by computer-assisted transcription.

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## 1 P R O C E E D I N G S

2 THE COURT: Good morning.

3 MR. MARTINEZ: Good morning.

4 THE COURT: Okay. We're here on Flores vs. JBM  
11:00:39 5 Janitorial. Is plaintiff on the line?6 MR. HESSE: Yes, Your Honor. Curt Hesse for  
7 the plaintiffs.8 THE COURT: Okay. And Mr. Martinez is here on  
9 behalf of defendant; is that right?

10 MR. MARTINEZ: Yes, sir.

11 THE COURT: Well, this is a recurring issue.  
12 We really can't allow a corporation to be represented by a  
13 nonlawyer, but, let's go to the -- the substance of our  
14 hearing. It does look like JBM has just reincorporated  
11:01:20 15 itself as KRC. I -- that's what happened, isn't it?

16 MR. HESSE: Are you asking --

17 THE COURT: I am asking Defendants.

18 **(Conversation in Spanish.)**

19 MR. MARTINEZ: No, sir. That is not true.

20 THE COURT: Why is it not true? What is not  
21 true about it.22 **(Conversation in Spanish.)**23 MR. MARTINEZ: I don't speak too much English.  
24 Okay? And I'm sorry, you know, if I don't express right in  
11:02:02 25 front of you.

1                   THE COURT: Yeah. Okay.

2                   MR. MARTINEZ: When I made -- when I put my  
3 company, I incorporated, because, you know, I was just a  
4 supervisor. I was a subcontractor. And JBM was working at  
5 the time. Since I was start working on this kind of job,  
6 you know, a lot of people have dreams, you know, and I made  
7 it just because I want to grow up. So this incorporated  
8 different because I made it for myself, not -- I don't even  
9 know, you know, what kind of problems it was on JBM,  
10 because I was just a supervisor. I was not include -- you  
11 know, I mean, don't know nothing about the, you know --

12                  THE COURT: Okay. Thank you.

13                  MR. MARTINEZ: So it is different. I mean --

14                  THE COURT: Okay. Mr. Hesse, anything you want  
15 to say?

16                  MR. HESSE: Not really, other than what's in  
17 the papers, Your Honor. The only thing I'll add is Ms.  
18 Guillen -- and I might be mispronouncing her name -- she  
19 was an agent of both corporations and, of course, under  
20 traditional principles of agency, what she knows is imputed  
21 to both of the entities.

22                  So even if you accept Mr. Martinez's  
23 representations as true, the entity, which is obviously a  
24 separate legal entity, is imputed with any knowledge she  
25 had about the complaints, and she was an agent for both of

1 them.

2 THE COURT: Have you tried to obtain a lawyer  
3 to represent you in this matter, Mr. Martinez?

4 **(Discussion in Spanish.)**

11:04:01 5 MR. MARTINEZ: I did. I was trying to get  
6 someone, but my -- on my budget, I can't afford, you know,  
7 to pay somebody. You know, that is easy for them. They --  
8 these people, they are so smart, and if I have the money,  
9 you know, to pay a lawyer, you know, I wish to have it,  
11:04:23 10 because this -- they are like --

11 **(Discussion in Spanish.)**

12 THE COURT: They cost a lot, I know. But, I  
13 think I referred you before to the Houston Volunteer  
14 Lawyer's Program. There is a program for getting  
11:04:39 15 representation for parties who can't pay lawyers.

16 **(Discussion in Spanish.)**

17 THE COURT: Okay. Well, I am going to -- I am  
18 going to write an opinion on this matter, and I hope it  
19 will be out shortly.

11:05:00 20 Anybody else want to say anything before  
21 we adjourn?

22 MR. HESSE: No, Your Honor. Only that you cut  
23 out and I thought I heard you say you were going to write  
24 an opinion on the matter, and that is all I heard.

11:05:10 25 THE COURT: Yes. I am going to write an

1 opinion.

2 MR. HESSE: Okay. Nothing further from the  
3 plaintiff, Judge.

4 THE COURT: Anything further? Anything else  
11:05:18 5 you want to say?

6 **(Conversation in Spanish.)**

7 MR. MARTINEZ: I have too many things to say,  
8 but I didn't know -- I can't speak right.

9 THE COURT: Okay. Thank you very much. Thank  
11:05:30 10 you.

11 MR. MARTINEZ: Thank you, Judge.

12 (Proceedings concluded at 11:05 a.m.)

13 COURT REPORTER'S CERTIFICATE

14  
15 I, Kathleen K. Miller, certify that the foregoing is a  
16 correct transcript from the record of proceedings in the  
17 above-entitled matter.

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19 DATE: Nov. 18, 2019

/s/ Kathleen K. Miller

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Kathleen K. Miller, RPR RMR CRR

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